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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,144	12/31/2003	Samuel A. Sangokoya	OR-7289	1754

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EXAMINER

LU, C CAIXIA

ART UNIT	PAPER NUMBER
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1713

DATE MAILED: 09/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/751,144

Applicant(s)

SANGOKOYA ET AL.

Examiner

Caixia Lu

Art Unit

1713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
4a) Of the above claim(s) 33-58 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-13 and 15-32 is/are rejected.
7) ☒ Claim(s) 14 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

2. Claims 6, 15 and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In the instant claims respectively, the use of relative term "partially" in the limitation "partially halogenated aluminoxane" renders the instant claims indefinite because the Applicant has failed to provide the metes and bounds of "partially halogenated aluminoxane". Since the instant claims are not further limiting the claims to which it depended on, they should be cancelled.

Claim Rejections - 35 USC § 102/103

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Kioka et al. (US 6,063,726).

Claim 1 is directed to a haloaluminoxane composition wherein the amount of halogen atoms present the haloaluminoxane is in the range of about 0.5-15 mole% relative to aluminum atoms.

In claim 1, Kioka claims a catalyst composition comprising an halogenated aluminoxane represented by formulas(II) and (III). In the formulas, when b is 3 and a is 30 for example, Kioka's halogenated aluminoxane encompasses the instant claims.

4. Claims 1-13 and 15-32 are rejected under 35 U.S.C. 103(a) as obvious over Kioka et al. (US 6,063,726).

Kioka teaches a halogenated aluminoxane catalyst component (B) represented by formulas(II) and (III) which can be supported (col. 8, line 37 to col. 9, line13; and col. 10, lines 15-10), wherein the halogen can be fluoride and $b/[(a+b)+2]$ or $b/(a+b)$ can be in the range about 0.005 to 0.15. Kioka's halogenated aluminoxane encompass the instant claims when those limitations are met.

Therefore, it would have been obvious to a skilled artisan at the time the invention was made to employ Kioka's teaching to provide a halogenated aluminoxane wherein the halogen atoms is in the range of about 0.5-15 mol% relative to aluminum atoms because such is within the generic disclosure of the reference and all of the embodiments of the reference are expected to work and in the absence of any showing of criticality and unexpected results.

It is noted that the process for preparing the halogenated aluminoxane in claims 2-32 are different form the process of the cited prior, however, there is nothing on the record to show that the halogenated aluminoxane prepared by the claimed process is different from Kioka's halogenated aluminoxane, therefore, one would expect Kioka's halogenated aluminoxane to be inherently the same as those of the instant claims.

Applicants' comparatively results disclosed in Tables 2-5 are noted, however, they are not based on the cited prior art.

Allowable Subject Matter

5. Claims 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Kioka does not teach or reasonably suggest its halogenated aluminoxane to be an ionic haloaluminoxane complex of instant claim 14.

Since the halogenated aluminoxane resulted from halogenating agent species of triphenylfluorosilane is in a ionic haloaluminoxane complex due to the formation of stable triphenylsilane cation, the haloaluminoxane prepared by triphenylfluorosilane halogen species of claim 17 is also deemed to be novel.


Response to Arguments

6. Applicant's arguments with respect to the rejections of previous Office action have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Caixia Lu whose telephone number is (571) 272-1106. The examiner can normally be reached from 9:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful and the matter is urgent, the examiner's supervisor, David Wu, can be reached at (571) 272-1114. The fax numbers for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1700.


Caixia Lu, Ph. D.
Primary Examiner
September 4, 2005